

REMARKS

Applicant is in receipt of the Office Action mailed December 22, 2003. Claims 1 – 64 were rejected. Claims 1, 44, 49, 53, 56, and 60 have been amended. Claims 1 – 64 are currently pending in the application.

Applicant respectfully notes the provisional obviousness-type double patenting rejection of claims 1 – 64. Once the patent application or one of the co-pending patent applications issues, Applicant will consider filing a terminal disclaimer in the application that is still pending.

The provisional application number listed on page 1 was incorrect. Applicant has changed the first paragraph to specify the correct provisional application number (60/149,942). Applicant respectfully notes that a new oath or declaration is required because the listed provisional application number was incorrect. Applicant is in the process of procuring a new oath or declaration and will submit it in a supplemental amendment.

The abstract was objected to because the first sentence was not in narrative form, and because the word “may” was used concerning the invention’s function, and because it exceeded 150 words in length. Applicant has submitted a new abstract to correct these deficiencies.

The Examiner noted the use of the trademark JAVA in the application. Applicant has changed the specification to capitalize JAVA wherever it appears. However, Applicant does not believe that “Pascal”, as used in the application, is a trademark. Thus, Applicant has not changed the specification to capitalize it wherever it appears.

Claims 1 – 23 and 29 – 64 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,732,277 to Kodosky et al. (hereinafter referred to as “Kodosky”). Applicant respectfully traverses this rejection.

Kodosky relates generally to a method for programming a computer to execute a procedure represented by a data flow diagram. The data flow diagram is assembled in response to user input specifying objects to add to the data flow diagram. In other words, the user interactively creates a data flow diagram to represent the desired execution

procedure. Execution instructions for executing the procedure represented by the data flow diagram are constructed (Abstract; Col 7, line 66 – Col 8, line 12).

In contrast, amended claim 1 recites in part:

“the GPG program receiving information, wherein the information specifies functionality of the new graphical program, wherein the information does not specify specific objects for the new graphical program;

the GPG program programmatically generating the new graphical program in response to said information specifying the functionality of the new graphical program, wherein the new graphical program implements the specified functionality.”

Kodosky does not teach or suggest the concept of generating a graphical program without receiving input that specifies specific objects for the graphical program. Applicant thus submits that claim 1 is allowable. Claims 2 – 48 are dependent upon claim 1 and are thus also believed to be allowable for at least this reason. Inasmuch as claims 49 – 64 recite similar features as claim 1, Applicant submits that these claims are also allowable.

Claims 1, 24 – 28, 53, 56, and 60 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,920,718 to Uczekaj et al. (hereinafter referred to as “Uczekaj”). Applicant respectfully traverses this rejection.

Uczekaj relates generally to a system for automatically generating application program shell code in an object-oriented system. The system allows a user to enter object information and associated control information. The system automatically generates application program shell code according to the operating system environment in which the system is running and object and object control information entered by the user (Abstract).

Applicant submits that Uczekaj does not teach or suggest numerous features of claims 1, 24 – 28, 53, 56, and 60. For example, claim 1 relates to a method for programmatically generating a new graphical program. However, Uczekaj does not even teach or suggest the concept of a graphical program. The Office Action cites Col. 10, lines 7 – 22 as teaching the concept of programmatically generating a new graphical

program. However, this portion of Uczekaj actually pertains to a state diagram for a class defined by the user. A state diagram for a class is not at all the same as a graphical program.

Applicant thus submits that claim 1 is allowable. Claims 24 – 28 are dependent upon claim 1 and are thus also believed to be allowable for at least this reason. Inasmuch as claims 53, 56, and 60 recite similar features as claim 1, Applicant submits that these claims are also allowable.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-44100/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Request for Approval of Drawing Changes
- ☒ Notice of Change of Address
- ☐ Check in the amount of \$ for fees ().
- ☐ Other:

Respectfully submitted,



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